



U.S. Department of Justice
United States Attorney
Southern District of Georgia

Post Office Box 8970

Savannah, GA 31412

(912) 652-4422 / FAX (912) 652-4991

100 Bull Street

/Savannah, GA 31401

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CONTACT: DAN DRAKE
(912)201-2669

DRURY CONVICTION AFFIRMED BY ELEVENTH CIRCUIT
COURT OF APPEALS

Rick Thompson, United States Attorney for the Southern District of Georgia, today announced that the Eleventh Circuit Court of Appeals has affirmed the convictions of Dr. Carl M. Drury, Jr., on four counts of violating 18 U.S.C. § 1958(a) - Use of Interstate Commerce Facilities in the Commission of Murder-for-Hire, and one count of violating 18 U.S.C. § 924(c)(1)(A) - Possession of a Firearm in Furtherance of a Crime of Violence. Dr. Drury had been convicted by a federal court jury who found that he used a telephone to solicit the murder-for-hire of his estranged wife, Mary, and that he provided the firearm to be used in her execution. Drury is now serving a 17 year sentence imposed by Chief U.S. District Judge Dudley H. Bowen, Jr.

Dr. Drury was arrested in August 2001 following an undercover investigation conducted by the ATF. At trial the evidence showed that Drury initially solicited a close friend, who was also a firearms instructor at the Federal Law Enforcement Training Center (FLETC) in Brunswick, to either kill his wife or help him find someone to get it done. The instructor reported the solicitation to the ATF, and agreed to provide Drury with the phone number of a "hit man" to commit the murder. The hit man was actually an undercover agent, and during four phone calls and two meetings, all of which were captured on tape, Drury requested the agent to kill his wife, make it look like an accident, gave the agent details of his wife's work schedule and habits, provided the agent with a \$250 down payment on the \$2000 contract,

and gave the agent a .38 pistol to use to commit the crime which was to occur during a robbery or mugging. During trial, Drury's attorneys offered the defense that Dr. Drury was only participating in what Drury thought was a FLETC "roleplay" training exercise - essentially that it was all pretend. Drury's attorneys claimed the instructor was jealous of Drury's lifestyle and may have been after his wife.

Following the conviction and sentencing, Drury's lawyers appealed to the Eleventh Circuit Court of Appeals and raised a number of issues, including that the district court lacked jurisdiction over the case. The three judge panel of the Eleventh Circuit, sitting in Atlanta, heard oral argument on June 4, 2003, and issued their opinion on September 2, 2003, affirming the conviction in all respects.

The United States was represented in the appeal by Assistant U.S. Attorney Amy Lee Copeland, who is Chief of the Appellate Section, and First Assistant United States Attorney Edmund A. Booth, Jr. Assistant U. S. Attorneys Darrin L. McCullough and Frederick W. Kramer were trial counsel for the United States.

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